Message: Adoption & foster care overhaul

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387733
Policy Action:	Not Specified

Adoption & foster care overhaul

From Don Hinkle **Date** Thursday, May 04, 2017 3:55 PM
To Scharf, Will
Cc
Journal Recipients Will Scharf@governor.mo.gov

Will,
It was good seeing you today at National Day of Prayer.

The link to the story below is about Kentucky Gov. Matt Bevin appointing a prof from one of our seminaries to lead Kentucky's effort in revamping that state's adoption and foster care laws.

If the governor intends to do the same here, Dr. John Mark Yeats, PhD., who is president of Midwestern Baptist College in Kansas City would be an outstanding candidate to do the same here. They have adopted several children, I believe three or four from Africa. He is the son of our Executive Director John Yeats. I believe John Mark's doctorate is from Oxford.

Just a thought ...

All the best,

Don

http://www.bpnews.net/48807/seminary-vp-named-to-ky-adoptionfoster-care-post

Message: Great news! Pro-life related appropriations fared very well in the Missouri General Assembly

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387734
Policy Action:	Not Specified

Great news! Pro-life related appropriations fared very well in the Missouri General Assembly

From Samuel Lee **Date** Friday, May 05, 2017 3:41 PM
To Samuel Lee
Cc
Journal Recipients jennae.neustadt@governor.mo.gov;todd.scott@governor.mo.gov;will.scharf@governor.mo.gov

image003.jpg (9 Kb HTML) image004.emz (275 Kb HTML) image005.png (115 Kb HTML)

Friends,

Great news!

The Missouri General Assembly on Thursday evening (May 4, 2017) finished the state budget for the fiscal year beginning July 1, 2017 (FY2018), and pro-life related appropriations fared very well.

Lawmakers sent to the governor **$6.46 million in funding for the Alternatives to Abortion program**. Also, they provided funding of **$1.5 million for the Healthy Marriage/Responsible Fatherhood program**.

In addi ion, **$14 million was appropriated for the Show-Me Healthy Babies Program**, which provides health insurance coverage for unborn children, whose families are not eligible for Medicaid or who cannot otherwise obtain heal h insurance.

Lastly, lawmakers **voted to defund Planned Parenthood** and any other agency which performs or refers for abortion not necessary to save the life of the mo her.

There is s ill lots of pro-life legislation we want to pass before the 6:00 PM, Friday, May 12 deadline – including stopping "sanctuary cities for abortion" and preventing poli ical subdivisions from viola ing the religious liberty of citizens by forcing hem to participate in abortion. But budget-related issues are done for the year.

Sam

Samuel H. Lee
Campaign Life Missouri
P.O. Box 142585
St. Louis, MO 63114-0585
[redacted]
Email: samuelhlee@mindspring com
Twitter: @samuelhlee

CLM Logo & Address

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C1SRC.emz

Image 1

Message: FW: Great news! Pro-life related appropriations fared very well in the Missouri General Assembly

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387735
Policy Action:	Not Specified

FW: Great news! Pro-life related appropriations fared very well in the Missouri General Assembly

From Scott, Todd **Date** Friday, May 05, 2017 3:42 PM
To Briden, Parker
Cc

image003.jpg (9 Kb HTML) image004.emz (275 Kb HTML) image001.emz (275 Kb HTML) image002.png (115 Kb HTML)

FYI

Todd Scott
Sr. Legislative/Policy Advisor
Office of Gov. Eric Greitens
(573) 751-3222 - Main
[redacted] - Mobile

From: Samuel Lee [mailto samuelhlee@mindspring.com]
Sent: Friday, May 05, 2017 3:39 PM
To: Samuel Lee <samuelhlee@mindspring.com>
Subject: Great news! Pro-life related appropriations fared very well in the Missouri General Assembly

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Image 1

- C1SRC.emz

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C1SRC.emz

Image 1

Message: We have some BIG news to share!

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387736
Policy Action:	Not Specified

We have some BIG news to share!

From Sara Walsh **Date** Thursday, May 18, 2017 3:46 PM
To Spena, Logan
Cc
Journal Recipients logan spena@governor.mo.gov

DISTRICT 50
SARA WALSH
STATE REPRESENTATIVE

Friends, we ve got BIG news to share...

Missouri Right to Life
State Political Action Committee
ENDORSES Sara Walsh

MISSOURI
RIGHT TO LIFE
STATE POLITICAL ACTION COMMITTEE

"Missouri Right to Life State Political Action Committee is pleased to endorse Sara Walsh for State Representative of House District 50. Sara is the only candidate endorsed for this House seat."
- Dave Plemmons,
MRL PAC Chairman

Media release | Endorsement Flier

Upon being notified of her endorsement, Sara Walsh said, "I am honored to receive the endorsement of the Missouri Right to Life State Political Action Committee. I will always stand up for the right to life and look forward to representing the pro-life values of our 50th District in the Missouri Legislature."

Help Sara WIN.

Click the button below to contribute online, or mail your contribution to:

Friends of Sara Walsh
PO Box 14
Ashland, MO 65010

Make check payable to Friends of Sara Walsh and please include your phone number, employer and occupation (or indicate if retired/unemployed), and send along with your check. By law, the maximum amount an individual may contribute is $2,600 for the upcoming election. Contributions from corporations cannot be accepted.

Let's keep the 50th District in strong, conservative hands.

YES! I want to CONTRIBUTE

Message: St. Louis Public Radio - 5/18/2017 - Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387737
Policy Action:	Not Specified

St. Louis Public Radio - 5/18/2017 - Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

From Samuel Lee **Date** Thursday, May 18, 2017 5:27 PM
To Samuel Lee
Cc
Journal Recipients jennae.neustadt@governor.mo.gov;todd.scott@governor.mo.gov;will.scharf@governor.mo.gov

image001.jpg (9 Kb HTML) image002.emz (85 Kb HTML) image003.png (172 Kb HTML)

From the story:

> Missouri Attorney General Josh Hawley has appealed the preliminary injunction to the 8th U.S. Circuit Court of Appeals in St. Louis. It will probably be months before the court rules.
>
> In a statement Thursday, Hawley said, "We respectfully disagree with the district court's decision to deny a stay pending appeal of his order. We anticipate promptly seeking a stay of the order from the Eighth Circuit." …
>
> [Laura] McQuade [, president and CEO of Planned Paren hood Great Plains,] said hopes to start providing abortion services at its midtown Kansas City and Columbia locations as early as July but no later than August. … Jesse Lawder, a spokesman for Planned Parenthood of the St. Louis Region and Sou hwest Missouri, said his organization was preparing to submit license applications to the state for its Joplin and Springfield clinics.

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Samuel H. Lee
Campaign Life Missouri
P.O. Box 142585
St. Louis, MO 63114-0585
[redacted]
Email: samuelhlee@mindspring com
Twitter: @samuelhlee
CLM Logo & Address

http://news stlpublicradio.org/post/judge-says-no-missouri-s-request-stay-order-blocking-abortion-restrictions#stream/0

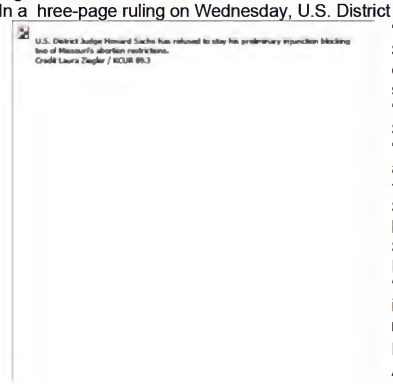
Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

By Dan Margolies • Originally published on May 18, 2017 3:12 pm

This story was updated at 3:12 p.m. to include a statement from Missouri Attorney General Josh Hawley.

A federal judge has denied Missouri's request to stay his order blocking two statewide abortion restrictions, making clear he takes a dim view of the state's arguments.

In a hree-page ruling on Wednesday, U.S. District Judge Howard Sachs rejected out of hand Missouri's claim that he restric ions protect abor ion patients' health.


U.S. District Judge Howard Sachs has refused to stay his preliminary injunction blocking two of Missouri's abortion restrictions.
Credit Laura Ziegler / KCUR 89.3

"The converse is demonstrably true," Sachs wrote.

Sachs said that women seeking abortions in central and southwest Missouri currently have hree options: They can go to a distant clinic; they can attempt to self-abort or seek an abor ion from a non-professional; or they can submit to an unwanted birth.

"The absence of a nearby professional abortion clinic provides no safety advantage for any of the three groups," Sachs wrote.

"It is hard to believe that he State Defendants would urge desperate women who reject he birthing op ion to avoid a clinic and seek he 'safety' of self-abortion or back-alley abortions, but they offer no logic or argument to the contrary," he continued. "They are asking the courts to maintain these unsafe options pending litigation."

Sachs last month entered a preliminary injunction blocking Missouri's restrictions that require abortion doctors to have admit ing privileges at nearby hospitals and abortion clinics to be outfitted like ambulatory surgical centers.

Sachs said he was bound by the U.S. Supreme Court's decision last year in Whole Woman's Health v. Hellerstedt striking down similar abortion restric ions in Texas.

"The abortion rights of Missouri women, guaranteed by constitutional rulings, are being denied on a daily basis, in irreparable fashion," Sachs wrote then of the abortion restrictions. "The public interest clearly favors prompt relief."

Missouri Attorney General Josh Hawley has appealed the preliminary injunction to the 8th U.S. Circuit Court of Appeals in St. Louis. It will probably be months before the court rules.

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The abortion restrictions were challenged by Planned Paren hood Great Plains, which operates women's heal h clinics in Missouri, Kansas, Arkansas and Oklahoma, and Planned Parenthood of he St. Louis Region and Southwest Missouri.

Currently, the Planned Parenthood clinic in St. Louis is the only provider of surgical abortions in the state. But following Sachs' ruling, the two Planned Paren hood affiliates said they planned to move quickly to provide abortion services in midtown Kansas City, Columbia, Springfield and Joplin.

Laura McQuade, president and CEO of Planned Paren hood Great Plains, said that Sachs' denial of the state's motion for a stay "just really reasserts he strength of our case."

"He is very clear on the fact that actually not reopening these centers is what is putting women's health in he state of Missouri at risk," she said.

McQuade said hopes to start providing abortion services at its midtown Kansas City and Columbia locations as early as July but no later than August.
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Jesse Lawder, a spokesman for Planned Parenthood of the St. Louis Region and Southwest Missouri, said his organization was preparing to submit license applica ions to the state for its Joplin and Springfield clinics.
Dan Margolies is KCUR's health editor. You can reach him on Twitter @DanMargolies.

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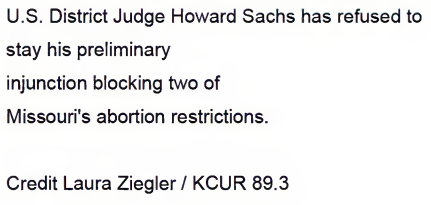
C1SRC.emz

Image 1



U.S. District Judge Howard Sachs has refused to stay his preliminary injunction blocking two of Missouri's abortion restrictions.

Credit Laura Ziegler / KCUR 89.3

Message: Fwd: St. Louis Public Radio - 5/18/2017 - Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387738
Policy Action:	Not Specified

Fwd: St. Louis Public Radio - 5/18/2017 - Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

From Scott, Todd **Date** Thursday, May 18, 2017 8:08 PM
To Scharf, Will
Cc

image001.jpg (9 Kb HTML) image003.png (172 Kb HTML)

FYI

Sent from my iPhone

Begin forwarded message:

From: Samuel Lee <samuelhlee@mindspring com>
Date: May 18, 2017 at 5:25:36 PM CDT
To: Samuel Lee <samuelhlee@mindspring.com>
Subject: St. Louis Public Radio - 5/18/2017 - Judge Says No To Missouri's Request To Stay Order Blocking Abortion Restrictions

From the story:

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St. Louis, MO 63114-0585
[redacted]
Email: samuelhlee@mindspring com
Twitter: @samuelhlee

CLM Logo & Address

http://news stlpublicradio org/post/judge-says-no-missouri-s-request-stay-order-blocking-abortion-restrictions#stream/0

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By Dan Margolies • Originally published on May 18, 2017 3:12 pm

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U.S. District Judge Howard Sachs has refused to stay his preliminary injunction blocking two of Missouri's abortion restrictions.
Credit Laura Ziegler / KCUR 89.3

<!--[if !vml]--><!--[endif]-->"The converse is demonstrably true," Sachs wrote.

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Dan Margolies is KCUR's health editor. You can reach him on Twitter @DanMargolies.

Message: AP - 5/19/2017 - Missouri appeals judge's blocking of abortion restrictions

Case Information:

Message Type:	Exchange
Message Direction:	External, Inbound
Case:	GOV_10032017_Search
Capture Date:	10/3/2017 9:43:18 AM
Item ID:	29387739
Policy Action:	Not Specified

AP - 5/19/2017 - Missouri appeals judge's blocking of abortion restrictions

From Samuel Lee **Date** Friday, May 19, 2017 4:08 PM
To Samuel Lee
Cc
Journal Recipients jennae.neustadt@governor.mo.gov;todd.scott@governor.mo.gov;will.scharf@governor.mo.gov

image003.jpg (9 Kb HTML) image002.emz (561 Kb HTML) image005.png (268 Kb HTML) 17-1996 - 05-18-2017 Entry ID 4538001 Motion for Stay & Temporary Stay.pdf (434 Kb HTML)

Friends,

I'm very grateful that Missouri Attorney General Josh Hawley and his staff are aggressively and thoroughly defending the health and safety of women considering abortion in Missouri.

For those interested in the details, attached is a copy of the Attorney General's Motion for Stay & Temporary Stay filed on Thursday (May 18, 2017) in he 8th U.S. Circuit Court of Appeals.

Sam

Samuel H. Lee
Campaign Life Missouri
P.O. Box 142585
St. Louis, MO 63114-0585
[redacted]
Email: samuelhlee@mindspring com
Twitter: @samuelhlee
CLM Logo & Address

http://krcgtv.com/news/local/missouri-appeals-judges-blocking-of-abortion-restrictions

Missouri appeals judge's blocking of abortion restrictions

by The Associated Press
Friday, May 19th 2017
KANSAS CITY, Missouri (AP) — Missouri has asked a federal appellate court to put on hold a judge's order blocking the state's abortion-restricting rules, insisting the requirements are justified.
The state's challenge Thursday to the 8th U.S. Circuit Court of Appeals came a day after U.S. District Judge Howard Sachs refused to delay enforcing the preliminary injunc ion he issued last month in favor of Planned Parenthood affiliates with Missouri health centers.
The restrictions have required doctors who perform abor ions to have admitting privileges at nearby hospitals and that clinics meet hospital-like standards for outpatient surgery.
A Planned Parenthood center in St. Louis is the only licensed abortion provider in the state, partly because of the restrictions. Planned Paren hood has said its sites in Kansas City, Columbia, Joplin and Springfield would provide abortions without the restrictions.

- C1SRC.emz

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C1SRC.emz

Image 1

The restrictions have required doctors

who perform abortions to have admitting
privileges at nearby hospitals and that clinics meet hospital
-
like standards for
outpatient surgery. (MGN Online)

No. 17-1996
IN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, et al.,
Plaintiffs-Appellees v.
JOSHUA D. HAWLEY, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSOURI, et al., Defendants-Appellants
Appeal from the United States District Court, Western District of Missouri, The Honorable Howard F. Sachs
MOTION FOR STAY OF INJUNCTION PENDING APPEAL AND FOR TEMPORARY STAY PENDING DECISION ON THIS MOTION
OFFICE OF THE MISSOURI ATTORNEY GENERAL Supreme Court Building P.O. Box 899 Jefferson City, MO 65102 Phone 573-751-3321 Fax 573-751-0774 John.Sauer@ago.mo.gov
JOSHUA D. HAWLEY Attorney General D. John Sauer, MO 58721 State Solicitor Counsel of Record Julie Marie Blake, MO 69643 Deputy Solicitor General Emily A. Dodge, MO 53914

TABLE OF CONTENTS

TABLE OF AUTHORITIES
Cases

1
INTRODUCTION
Plaintiffs-Appellees, two affiliates of Planned Parenthood operating in Missouri and a doctor who performs abortions (collectively, "Plaintiffs"), contend that Missouri law prevents them from operating facilities in four Missouri cities—Columbia, Kansas City, Springfield, and Joplin. Relying principally on Whole Woman's Health v. Hellerstedt, 136 S. Ct. 2292 (2016), Plaintiffs obtained a sweeping preliminary injunction barring enforcement of most of Missouri's health-and-safety regulations of abortion facilities. This decision was erroneous because Plaintiffs plainly failed to satisfy Article III's requirements of ripeness and standing, and because the district court categorically refused even to consider the State's evidence justifying its regulations. Defendants-Appellees Attorney General Joshua D. Hawley and Director Randall Williams (collectively, "the State") respectfully request that this Court stay the injunction pending appeal.
BACKGROUND
Since 2007, Missouri has required abortion facilities to meet the standards of ambulatory surgical centers (the "ASC requirements") and has required abortion providers to have surgical privileges at a nearby hospital (the "hospital-relationship requirement"). See Mo. Rev. Stat. §§ 188.027.1(1)(e), 188.080, 197.200(1), 197.215; 19 CSR §§ 30-30.060, 30-30.070. These laws serve important state interests in ensuring safe and sanitary facilities for women seeking abortions, and

2
ensuring that any patient who experiences a post-abortion complication receives prompt and adequate follow-up care.
Missouri's regulations differ critically from the Texas regulations challenged in Hellerstedt. Texas imposed inflexible requirements that granted no waivers to abortion facilities. 136 S. Ct. at 2315. By contrast, Missouri gives broad authority to the Department of Health and Senior Services to grant to abortion facilities waivers or "deviations" from the ASC requirements. See 19 CSR § 30-30.070(1). For example, one of Plaintiffs' facilities that performed only medication abortions received a deviation that "entirely exempt[ed]" the facility from all the ASC requirements of 19 CSR § 30-30.070. Appx. A60, ¶ 15. In fact, Plaintiffs have failed to identify any instance in which an abortion facility in Missouri sought but failed to receive a requested deviation from the ASC requirements.
On June 27, 2016, the Supreme Court decided Hellerstedt. Five months later, on November 30, 2016, Plaintiffs filed suit in the district court, asserting facial challenges against the ASC and hospital -relationship requirements, and seeking a sweeping injunction that would have invalidated virtually all health-and-safety regulation of abortion clinics in Missouri. Appx. A1, A22, A26.
The State moved to dismiss the case for lack of jurisdiction, arguing inter alia that the Plaintiffs' claims were not ripe for adjudication because no Plaintiff had applied for a deviation from the ASC requirements before filing suit. Appx.

3
A172, A174. The State also opposed the motion for preliminary injunction on the ground that Plaintiffs failed to satisfy ripeness and standing. Appx. A196. The district court denied the State's motion to dismiss, holding that Plaintiffs had standing and their claims were ripe. Appx. A729.
Regarding the merits of the preliminary injunction, both the Plaintiffs and the State submitted extensive written evidence regarding disputed factual issues, including the safety of abortion procedures in Missouri, the manner in which Missouri's unique regulations advance women's health and safety, and the question whether the challenged regulations impose any substantial burden on access to abortion. The State submitted declarations from three different expert witnesses and empirical evidence of physical complications from abortions in Missouri during 2012-2016. See Appx. A256, A289, A635, A682, A718, A800, A806, A725, A769 , A772. The Plaintiffs also submitted numerous expert declarations. See Appx. A101 , A138, A319 , A602, A694, A736, A746, A761 .
In orders dated April 19 and May 2, 2017, the district court granted the motion for preliminary injunction. Appx. A775, A792. In its decision, the district court categorically refused to consider the State's evidence regarding the physical risks of abortion procedures and the benefits of the State's health-and-safety regulations, deeming that these factual issues were finally decided by Hellerstedt.

4
Appx. A778-80. The district court made no factual findings on those disputed questions.
On May 5, 2017, the State moved for a stay of injunction pending appeal in the district court. Appx. A794. On May 17, 2017, the district court denied the motion. Appx. A797. Plaintiffs now seek licenses to perform abortions in facilities that do not satisfy the State's health-and-safety standards, posing an imminent threat to women's health and safety.
STANDARD OF REVIEW
The Court considers four factors in determining whether to grant a stay of injunction pending appeal: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." Hilton v. Braunskill, 481 U.S. 770, 776 (1987). A stay is granted when the appeal presents "serious" legal issues and the balance of equities favors the stay applicant. James River Flood Control Ass'n v. Watt, 680 F.2d 543, 545 (8th Cir. 1982).

5
ARGUMENT
I. The State Is Likely To Prevail on Appeal.
The district court's preliminary injunction is unlikely to survive appellate review for at least two reasons. First, the Plaintiffs have not satisfied Article III's requirements of ripeness and standing. Plaintiffs' challenge to the ASC requirements is not ripe, because no Plaintiff ever applied for a variance from those

requirements before filling suit. And because no Plaintiff asserted a ripe challenge to the ASC requirements, no Plaintiff's challenge to the hospital-privileges requirement is redressable. Second, the district court erred by disregarding its obligation under Hellerstedt to consider the "record evidence" in applying Casey's undue-burden standard to Missouri's unique regulations of abortion facilities.

A. The district court lacked jurisdiction to issue an injunction because Plaintiffs failed to satisfy the ripeness and redressability requirements of Article III.

"[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion." Mazurek v. Armstrong, 520 U.S. 968, 972 (1997) (per curiam). The components of Article III standing are "an indispensable part of the plaintiff's case," and they must be supported at each stage of litigation "in the same way as any other matter on which the plaintiff bears the burden of proof." Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992). Therefore, "at the preliminary

6

injunction stage, plaintiffs must make a clear showing of each element of standing." Townley v. Miller, 722 F.3d 1128, 1133 (9th Cir. 2013).

1. Plaintiffs' challenge to the ASC requirements is unripe because no plaintiff applied for a variance from the ASC requirements before filing suit.

Standing requires "that the alleged injury is not too speculative for Article III purposes—that the injury is certainly impending." Clapper v. Amnesty Int'l USA, 133 S. Ct. 1138, 1147 (2013) (citation omitted). In addition, the ripeness doctrine "prevent[s] courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties." Abbott Labs. v. Gardner, 387 U.S. 136, 148-49 (1967), abrogated on other grounds by Califano v. Sanders, 430 U.S. 99 (1977). The burden is on party invoking the court's jurisdiction—here, the Plaintiffs—to prove that their claims are ripe. Nebraska Pub. Power Dist. v. MidAmerican Energy Co ., 234 F.3d 1032, 1039 (8th Cir. 2000). This requires showing both that the issues have crystallized to the point of being fit for review, and that there would be hardship to the parties from withholding court consideration. Parrish v. Dayton, 761 F.3d 873, 875 (8th Cir. 2014).

7

Where a regulatory regime provides for variances, a constitutional challenge to those restrictions is not ripe until the challenger has sought—and been denied—a variance. See, e.g., McCarthy v. Ozark Sch. Dist., 359 F.3d 1029, 1037 (8th Cir. 2004) (holding that a challenge to a statute and implementing regulations was not ripe, because plaintiffs had not applied for exemptions and no request for exemption had been denied); State of Mo. ex rel. Mo. Highway & Transp. Comm'n v. Cuffley, 112 F.3d 1332, 1338 (8th Cir. 1997). This ripeness requirement particularly applies in the context of facial constitutional challenges. "[W]here the regulatory regime offers the possibility of a variance from its facial requirements," a party challenging that regime "must . . . actually seek such a variance to ripen his claim." Suitum v. Tahoe Regional Planning Agency, 520 U.S. 725, 736-37 (1997). This requirement makes no exception for equal protection and due process claims. Christopher Lake Dev. Co. v. St. Louis County, 35 F.3d 1269, 1273 (8th Cir. 1994). Here, it is, at best, uncertain whether the State would grant or deny a variance to Plaintiffs, making any injury inherently speculative and any adjudication unripe. As noted above, Missouri's requirements differ critically from the Texas regulations invalidated in Hellerstedt, because Missouri regulations explicitly authorize variances or "deviations" from the ASC requirements. 19 CSR § 30-30.070(1). Yet no Plaintiff applied for any variance before filing this federal lawsuit. See Appx. A87-88; Appx. A224. In fact, Plaintiff RHS had not applied

8

for an abortion license for its facilities in Springfield and Joplin at all. Appx. A214-15, A254-55. And though Plaintiff Comprehensive Health had applied for abortion licenses for the Columbia and Kansas City facilities, it never requested a deviation for those facilities. Appx. A224. Rather, it simply insisted that the ASC requirements do not apply to it at all. Appx. A75-79, A86-89.

Nor does any evidence suggest that seeking a variance woul d be futile. There is no evidence that any abortion facility has ever applied for a deviation under 19 CSR § 30-30.070(1) without receiving one. Plaintiffs' own evidence demonstrates that DHSS has a history of granting deviations under reasonable circumstances. See, e.g., Appx. A71-72, ¶ 45. Plaintiffs also have not identified a single instance in which DHSS prevented an abortion facility from operating by refusing to grant a deviation from the physical-plant ASC requirements. On the contrary, the record establishes DHSS's reasonable approach to granting deviations. Appx. A223-25, ¶¶ 37, 41, 44 & A253.

In denying the State's motion to dismiss, the district court ruled that its role was to provide the parties with "broad guidance" before Plaintiffs pursue the deviation process, so that "with such guidance abortion providers and patient-safety regulators may then be able to work together for detailed solutions." Appx. A732. The district court opined that "[g]iving broad guidance to the parties but not detailed review of specific issues is best suited for the courts." Id. The district

9

court even characterized its role as "[a]dvising" the parties on how to resolve future applications for deviations—notwithstanding Article III's venerable prohibition against advisory opinions. Id.

This view of the district court's role turns Article III on its head. The proper role of Article III courts is not to "advise" parties, or to provide "broad guidance" for a future variance process that will determine whether there is even a constitutional dispute for the federal court to decide. The district courts should not offer advisory opinions to provide ground rules for discussion between the parties; rather, they should resolve specific, concrete, already-ripe "cases" or "controversies." U.S. CONST. art. III, § 2.

Second, the district court speculated that the deviation process would be unlikely to result in agreement because the State was vigorously defending against the Plaintiffs' facial challenges to the regulations. Appx. A731. But it simply does not follow that, because the State argued that Missouri's regulations were not facially invalid, the Department would necessarily decline to grant reasonable deviations from the ASC requirements to specific abortion facilities. On the contrary, the fact that such deviations are available, and have been granted in the past, was central to the State's defense of the challenged regulations. Appx. A180.

In its preliminary injunction order, the district court again speculated that the deviation procedure might be futile due to "political pressure from abortion

10

opponents" on the State. Appx. A785; see also Appx. A732 n.3. The district court conceded that the State had granted a complete deviation from all ASC requirements to the Kansas City facility that performed only medication abortions. Appx. A785. But the court nevertheless reasoned that "the future is unpredictable, with a new Director subject to political pressure from abortion opponents in the General Assembly and elsewhere." Appx. A785.

Such speculation is both unsupported by evidence and contrary to law. As the district court effectively conceded, the Department has a documented history of granting deviations from the ASC requirements, and Plaintiffs never identified a single instance in which an abortion facility that requested a deviation was denied. Id. Moreover, it was error as a matter of law for the district court to presume that state officials would not act in good faith in administering a state regulatory program. "The good faith of [state] officers and the validity of their actions are presumed; when assailed, the burden of proof is upon the complaining party." Robbins v. Becker, 794 F.3d 988, 995 (8th Cir. 2015) (brackets in original) (quoting Sunday Lake Iron Co. v. Wakefield Twp., 247 U.S. 350, 353 (1918)).

For these reasons, Plaintiffs should have had recourse to Missouri's deviation procedure before filing their lawsuit. Their failure to do so makes their injuries wholly speculative and renders their challenges to the ASC standards unripe. In Hellerstedt, the Supreme Court invalidated Texas's law that did not

11

"provide[] waivers for any of the facilities that perform abortions." Hellerstedt, 136 S. Ct. at 2315. Here, Missouri law plainly "provides waivers" for abortion facilities. Id.; see 19 CSR § 30-30.070(1). Since Plaintiffs have never sought or

been denied an available waiver, it is entirely uncertain whether Missouri's laws burden Plaintiffs in any way, and their claims are unripe.

2. Plaintiffs' challenge to the hospital-relationship requirement is not redressable because Plaintiffs failed to assert a valid challenge to the ASC requirements.

Because Plaintiffs did not assert a valid challenge to the ASC requirements, their challenge to the hospital-relationship requirement is not redressable. "The irreducible constitutional minimum of standing" includes "redressability—a likelihood that the requested relief will redress the alleged injury." Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 102-03 (1998) (quotation marks omitted) (quoting Lujan, 504 U.S. at 560). A fatal "obstacle to establishing traceability and redressability" is found "when there exists an unchallenged, independent rule, policy, or decision that would prevent relief even if the court were to render a favorable decision." Doe v. Virginia Dep't of State Police, 713 F.3d 745, 756 (4th Cir. 2013). Therefore, when two distinct regulations prohibit a party from engaging in particular conduct, and that party challenges only one such regulation, the party fails to establish redressability.

12

Numerous cases have recognized this principle. "[W]here an unchallenged regulation would prevent a plaintiff from [exercising her asserted rights] even if we struck down the challenged regulation, we have found redressability lacking." Doe, 713 F.3d at 756. See also Iota Xi Chapter of Sigma Chi Fraternity v. Patterson, 566 F.3d 138, 148-49 (4th Cir. 2009) (holding that, where "other adequate grounds" for an adverse ruling existed, the claim was "not redressable because a ruling on that claim would not alter that conclusion"); Klamath Water Users Ass'n v. FERC, 534 F.3d 735, 740 (D.C. Cir. 2008); Covenant Media of S.C., LLC v. City of N. Charleston, 493 F.3d 421, 430 (4th Cir. 2007); Nuclear Information Resource Service v. Nuclear Regulatory Comm'n, 457 F.3d 941, 955 (9th Cir. 2006) (holding that redressability was lacking because "even if we were to set aside the current NRC rule . . . nothing requires DOT to revisit its identical exemption standards," which were unchallenged).

In this case, Plaintiffs repeatedly asserted that they were unable to satisfy either the ASC requirements or the hospital-relationship requirement for each of the four locations. Accordingly, each of the two requirements posed "an adequate and independent" obstacle to the Plaintiffs' ability to perform abortions. Iota Xi Chapter, 566 F.3d at 148. Thus, Plaintiffs were required to bring valid challenges to both the ASC requirements and the hospital-relationship requirement. But they failed to assert ripe challenges to the ASC requirement, because they did not bother

13

to apply for available deviations under § 30-30.070(1). Because their challenge to the ASC requirements was unripe, their challenge to the hospital-relationship requirement was not redressable.

B. The district court clearly erred by refusing to consider the State's evidence on critical disputed factual issues.

The State submitted extensive evidence in support of the factual conclusions that (1) abortion procedures, as practiced in Missouri, carry significant health risks for women; and (2) Missouri's unique regulations substantially advance the State's unquestioned interest in promoting women's health and safety. See Appx. A256, A289, A635, A682, A718, A800, A806, A725, A769, A772. The district court refused even to consider this evidence. This was plainly erroneous.

In granting a preliminary injunction to Plaintiffs, the district court ruled that it could not and would not consider the State's evidence. See Appx. A778-80. The district court observed that "[f]ilings of the parties have added voluminous material to the record, largely directed toward the issue of the dangerousness of abortions," as well as whether "[s]urgery center requirements are needed for safety." Appx. A778. But the court disregarded this evidence because it believed Hellerstedt dictated the outcome of these factual questions. "[B]ecause the Supreme Court has spoken on this subject I am required to follow." Appx. A778. "For me to accept new material, copies of studies and expert opinions, and to find a greater safety problem than was found in Hellerstedt, would be impermissible judicial practice."

14

Appx. A779. "The disputed issues regarding safety and the alleged benefits of the ASC and hospital affiliation requirements . . . need not be dealt with, I conclude, because controlled by Hellerstedt." Appx. A785 n.7 (emphasis added).

In so holding, the district court confused the binding effect of the legal standards announced in Supreme Court opinions, with the binding effect of factual determinations in prior cases on non-parties who had no opportunity to litigate those factual questions. Through this confusion, the district court's ruling contradicted the explicit instructions of the Supreme Court in Hellerstedt itself and violated principles of collateral estoppel and basic fairness.

First, in Hellerstedt itself, the Supreme Court repeatedly instructed the lower courts to consider "the record evidence" in ascertaining whether health-and-safety regulations of abortion facilities impose an undue burden on the right to abortion. Hellerstedt, 136 S. Ct. at 2311, 2312, 2313, 2316. Hellerstedt makes clear that such challenges necessarily require a fact-intensive inquiry. See id. at 2301-03 (relying on the detailed factual findings of the district court about the geographic availability and safety of abortion procedures in Texas). Hellerstedt emphasized that the Supreme Court, "when determining the constitutionality of laws regulating abortion procedures, has placed considerable weight upon evidence and argument presented in judicial proceedings." Id. at 2310. And Hellerstedt stated that the district court had "applied the correct legal standard" by "consider[ing] evidence in

15

the record—including expert evidence, presented in stipulations, depositions, and testimony," in order to "weigh[] the asserted benefits against the burdens." Id. at 2310; see also id. at 2311, 2312, 2313, 2316 (repeatedly relying on "the record evidence" to determine whether Texas's restrictions imposed an undue burden on abortion in Texas). Thus, by concluding that Hellerstedt foreclosed it from considering "the record evidence," id., the district court drew precisely the wrong conclusion. Hellerstedt does not foreclose such consideration; it mandates it.

Moreover, the district court's interpretation of Hellerstedt contradicts basic principles of collateral estoppel and fundamental fairness. According to the district court, the State of Missouri is effectively bound by the factual record created by the State of Texas in Hellerstedt—even though Missouri was not a party to Hellerstedt, the case did not even address Missouri's distinct regulations, and Missouri had no opportunity to litigate the factual issues disputed in Hellerstedt. This holding is particularly problematic because of the uniquely one-sided nature of the factual record in Hellerstedt. In Hellerstedt, both the Supreme Court and the district court categorically discounted the credibility of Texas's expert witnesses because Texas's experts had permitted a non-expert consultant to exercise editorial control over their declarations. See Hellerstedt, 136 S. Ct. at 2317; Whole Woman's Health v. Lakey, 46 F. Supp. 3d 673, 680 n.3 (W.D. Tex. 2014). Specifically, the Supreme Court held that "Texas provided no credible experts to

16

rebut" the plaintiffs' experts, and the Court cited with approval the district court's decision "declining to credit Texas' expert witnesses, in part because . . . a nonphysician consultant for Texas, had exercised 'considerable editorial and discretionary control over the contents of the experts' reports.'" Hellerstedt, 136 S. Ct. at 2317 (emphasis added) (quoting Lakey, 46 F. Supp. 3d at 680 n.3). Missouri should not be bound by the factual record created by Texas.

The district court's conclusion also runs afoul of the doctrine of collateral estoppel. Under that doctrine, litigants are not bound by factual determinations made in cases to which they are not parties, unless they were in privity with a party. "Under collateral estoppel, once an issue is actually and necessarily determined by a court of competent jurisdiction, that determination is conclusive in subsequent suits based on a different cause of action involving a party to the prior litigation." Montana v. United States, 440 U.S. 147, 153 (1979). "These interests are similarly implicated when nonparties assume control over litigation in which they have a direct financial or proprietary interest and then seek to redetermine issues previously resolved." Id. at 154. Here, there was no showing that Missouri somehow "assume[d] control," id., of Texas's litigation in Hellerstedt. On the contrary, separate sovereigns—such as Missouri and Texas—are not privies under collateral estoppel. See, e.g., United States v. Brown, 604 F.2d 557, 559 (8th Cir. 1979) ("[The collateral estoppel] doctrine bars relitigation of an issue between the

17
same parties. It does not apply when, as in this case, different sovereigns and thus different parties are involved in the litigation.") (citation omitted); United States v. Angleton, 314 F.3d 767, 776 (5th Cir. 2002) ("Collateral estoppel is inapplicable here, because the United States and Texas, as separate sovereigns, are not the 'same party.'"); United States v. Davis, 906 F.2d 829, 833 (2d Cir. 1990) ("[N]o court has applied collateral estoppel to bar relitigation of a suppression issue in a later proceeding by a different sovereign.").

Contrary to this authority, the district court relied on MKB Management Corporation v. Stenehjem, 795 F.3d 768 (8th Cir. 2015), to conclude that it was barred from reconsidering factual issues discussed by the Supreme Court in Hellerstedt. See Appx. A779. But that case is plainly inapplicable. In MKB Management, this Court considered North Dakota's ban on abortions conducted after the fetus has a detectable heartbeat. 795 F.3d at 770. North Dakota contended that fetal "viability" begins at conception, because a newly formed embryo may survive for a few days outside the womb with "artificial aid." Id. This Court noted that the Supreme Court defined viability as the time when "there is a reasonable likelihood of the fetus' sustained survival outside the womb," and as "the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb." Id. at 773 (quoting Colautti v. Franklin, 439 U.S. 379, 388 (1979), and Planned Parenthood of Se. Pennsylvania v. Casey, 505 U.S. 833, 870

18
(1992) (plurality opinion)). Following these definitions, this Court concluded that North Dakota's "definition of viability differs from the Supreme Court's and thus does not create a genuine dispute as to when viability occurs." Id. In other words, MKB Management concluded that North Dakota had offered an erroneous legal standard for viability that contradicted Supreme Court precedent, not that North Dakota was bound by factual findings in cases to which it was not a party. In fact, MKB Management explicitly stated that this Court would consider factual evidence on the question of viability, calling on the parties to "develop[] the record in a meaningful way so as to present a real opportunity for the court to examine viability." 795 F.3d at 773 (quoting Edwards v. Beck, 786 F.3d 1113, 1119 (8th Cir. 2015) (per curiam)).

In addition, relying on Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), the district court compared the State's submission of evidence in defense of its regulations to an attempt to reestablish Jim Crow-era segregation: "The State Defendants' contention . . . would be like attempting to undermine Brown v. Board of Education, based on a Missouri school district contention that the effect of segregation was better understood in Plessy than in the Brown case, or that racial segregation in Missouri is more benign than elsewhere." Appx. A779.

This analogy is both extraordinary and plainly meritless. Famously, Brown held that so-called "separate but equal" facilities were inherently unequal: "We

19
conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." Brown, 347 U.S. at 494 (emphasis added). Because such facilities are "inherently" unequal, whatever the supposed evidence, de jure segregation is unconstitutional as a matter of law. By contrast, Hellerstedt did not conclude that abortion procedures in Missouri are inherently risk-free as a matter of law—nor could it. The physical safety of abortion procedures is an empirical question—a question of fact. Hellerstedt concluded that the "record evidence" in that particular case supported the conclusion that abortion procedures in Texas are generally safe. 136 S. Ct. at 2311, 2312, 2313, 2316. Nothing in Hellerstedt directed lower courts to disregard the "record evidence" in other cases.

Because the district court erroneously refused to consider the State's evidence, the injunction should be reversed and the case remanded. In Burlington Northern R. Co. v. Bair, 957 F.2d 599 (8th Cir. 1992), the district court erroneously disregarded the defendant's evidence and only considered the movant's evidence. Id. at 601, 604. The district court erroneously concluded that it owed deference to the evidence advanced by the movant. Id. at 605. This Court reversed the preliminary injunction and remanded the case to the trial court, holding that "the district court should consider all the evidence available to it before deciding whether [to grant the preliminary injunction]." Id. As in

20
Burlington Northern, the district court's preliminary injunction in this case is unlikely to withstand appellate review.

II. The Balancing of Harms and the Public Interest Support a Stay.

In this case, the other three factors—balancing harms to the parties an d the public interest—support staying the injunction. Compared to the irreparable harm caused by enjoining enforcement of the State's laws, the harm of delay pending appeal "seems slight." San Diegans For Mt. Soledad Nat. War Mem'l v. Paulson, 548 U.S. 1301, 1303-04 (2006) (Kennedy, J., in chambers).

The injunction imposes per se irreparable injury on the State by invading the State's sovereign authority to enforce its laws. The Supreme Court has long held that "any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." Maryland v. King, 567 U.S. 1301, 3 (2012) (Roberts, C.J., in chambers) (quoting New Motor Vehicle Bd. of Calif. v. Orrin W. Fox Co., 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers)); see also Planned Parenthood of Greater Texas Surgical Health Servs. v. Abbott, 734 F.3d 406, 419 (5th Cir. 2013) ("When a statute is enjoined, the State necessarily suffers the irreparable harm of denying the public interest in the enforcement of its law."); Coalition for Economic Equity v. Wilson, 122 F.3d 718, 719 (9th Cir. 1997) ("[I]t is clear that a state suffers irreparable injury whenever an enactment of its people or their representatives is enjoined.").

21
"When courts declare state laws unconstitutional and enjoin state officials from enforcing them," the Supreme Court's "ordinary practice is to suspend those injunctions from taking effect pending appellate review." Strange v. Searcy, 135 S. Ct. 940, 940-41 (2015) (Thomas and Scalia, JJ., dissenting from denial of the application for a stay) (citing numerous cases). In such cases, "States also easily meet the requirement of irreparable injury." Id.

Plaintiffs contend that a stay will delay the availability of abortions in areas of Missouri, but a court should not "delay enforcement of a state law that the court has determined is likely to withstand constitutional challenge solely because the law might injure third parties." Planned Parenthood of Greater Texas Surgical Health Servs. v. Abbott, 134 S. Ct. 506, 507 (2013) (Scalia, J., concurring in denial of application to vacate stay). Moreover, Plaintiffs' position—that the putative burdens on access to abortion outweigh the threat to women's health and safety—assumes its own conclusion. They urged that the district court should not even to consider the State's empirical evidence of harm to women's health and safety, but then they urged that the injunction should not be stayed because it poses no threat to women's health and safety. Plaintiffs cannot have it both ways.

In addition, Plaintiffs misconstrue the burden on them from a stay of injunction. They contend that Missouri's regulations prevent them from operating abortion facilities. This is incorrect. Missouri's regulations require them to seek a

22
deviation from the ASC requirements before operating abortion facilities in those four cities—something they have failed to do. Until they do so, and until it is known whether a deviation would be granted or denied, the burden on them is wholly speculative.

Moreover, the fact that Plaintiffs delayed for several months after Hellerstedt before filing suit also weighs in favor of granting a stay. See Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1248 (11th Cir. 2016).

Where the party opposing equitable relief is the government, consideration of the public interest "merge[s]" with consideration of harm to the government. Nken v. Holder, 556 U.S. 418, 435 (2009); see also, e.g., Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014); Virginian Ry. Co. v. Sys. Fed'n No. 40, 300 U.S. 515, 552 (1937) (explaining that a legislative enactment "is in itself a declaration of public interest and policy"). The public has a strong interest in the enforcement of duly enacted laws. Peterson v. Village of Downers Grove, No. 14-C-09851, 2016 WL 427566, at *5 (N.D. Ill. Feb. 4, 2016); Abbott, 734 F.3d at 419. The district court should not "ignore the judgment" of the Missouri General

Assembly "deliberately expressed in legislation," and "override [the legislature's] policy choice, articulated in a statute, as to what behavior should be prohibited." United States v. Oakland Cannabis Buyers' Coop., 532 U.S. 483, 497 (2001).
Appellate Case: 17-1996 Page: 30 Date Filed: 05/18/2017 Entry ID: 4538001

23
CONCLUSION
This Court should stay the injunction pending appeal and temporarily stay the injunction pending the consideration of this motion. In addition, given that the Appellants are state officials, no bond should be required.
Respectfully submitted,
JOSHUA D. HAWLEY Attorney General /s/ D. John Sauer D. John Sauer, MO 58721 State Solicitor Counsel of Record Julie Marie Blake, MO 69643 Deputy Solicitor General Emily A. Counsel for Defendants-Appellants Attorney General Hawley and Director Williams
May 18, 2017
Appellate Case: 17-1996 Page: 31 Date Filed: 05/18/2017 Entry ID: 4538001

24
CERTIFICATE OF COMPLIANCE
The undersigned hereby certifies that this motion complies with the typeface and formatting requirements of Fed. R. App. P. 27 and 32, and that it contains 5,131 words as determined by the word-count feature of Microsoft Word.
/s/ D. John Sauer

Appellate Case: 17-1996 Page: 32 Date Filed: 05/18/2017 Entry ID: 4538001

25
CERTIFICATE OF SERVICE
I hereby certify that on May 18, 2017, I electronically filed the foregoing, along with the accompanying unsealed appendix, with the Clerk of the Court for the United States Court of Appeals for the Eight Circuit by using the CM/ECF system.
Participants in the case who are registered CM/ECF users will be served by the CM/ECF system, and I will serve a copy of the foregoing on all participants in the case who are not registered CM/ECF users by mailing a copy of the same, first-class, postage paid, to the address listed on the Court's CM/ECF system.
/s/ D. John Sauer

Appellate Case: 17-1996 Page: 33 Date Filed: 05/18/2017 Entry ID: 4538001

Message: St. Louis Post-Dispatch - 5/25/2017 - Op-Ed: The immediate need for action on life. By Missouri Senator Dr. Robert F. Onder

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Capture Date:	10/3/2017 9:43:18 AM
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St. Louis Post-Dispatch - 5/25/2017 - Op-Ed: The immediate need for action on life. By Missouri Senator Dr. Robert F. Onder

From Samuel Lee **Date** Thursday, May 25, 2017 8:45 AM
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Journal Recipients jennae.neustadt@governor.mo.gov;todd.scott@governor.mo.gov;will.scharf@governor.mo.gov

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Friends,

Please read!

A compelling case is made in this excellent op-ed by Missouri Senator Bob Onder for a special session to be called for badly-needed pro-life legislation.

Sam

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http://www s ltoday.com/news/opinion/ he-immediate-need-for-action-on-life/article_575478eb-3257-5986-9eeb-3d99090e420f html

Opinion

The immediate need for action on life

By Robert F. Onder
May 25, 2017

The Missouri Legislature has for many years demonstrated a commitment to protecting the health and safety of women and the dignity of the unborn, passing various laws to further these ends. A number of recent developments, though, have dealt serious blows to these laws and merit immediate attention in a special session of the Legislature.

On Monday, he maternity home Our Lady's Inn, Archdiocesan Elementary Schools of the Archdioceses of St. Louis, and St. Louis businessman Frank O'Brien filed a federal lawsuit against the "abortion sanctuary city" ordinance passed by the city of St. Louis in February. As the plaintiffs note, the bill, which purports to be an anti-discrimination ordinance for those making "reproductive health decisions," is so broad that it would "force nonprofit organizations like Our Lady's Inn, whose mission is to promote and facilitate abortion alterna ives, to hire abortion advocates, despite their opposi ion to the ministry's reason for existence."

It would also force pro-life employers like the Archdiocese and O'Brien to pay for abortions by way of he health insurance that they provide heir employees. This clear and present threat to free speech and religious liberty posed by this abor ion sanctuary city ordinance requires immediate action on he part of the Legislature.

If this were not enough, on April 19, U.S. District Court Judge Howard Sachs ruled a longstanding Missouri public safety statute unconstitutional. The law included the common-sense requirements that abortion clinics abide by state regula ions on ambulatory surgical centers. In other words, patients having minor outpatient surgery such as cosmetic procedures, LASIK and colonoscopies may be protected, but women seeking invasive surgical abortions may not. Likewise, Sachs struck down another sensible law requiring that he abortion doctor actually have hospital privileges at a nearby hospital, some hing I believe most pa ients take for granted.

The ruling was followed by Planned Parenthood announcing its intention to open four new abortion clinics in Missouri. Judge Sachs seems to believe that Missouri women are best served when their reproductive health services take place in a regulatory desert that would never be tolerated in other areas of health care. I, as a physician and a legislator, disagree.

These cases demand an immediate response to clarify state law, to protect he health and safety of women, and to preserve he cons itutional rights of Missourians. This is not an issue that can wait until January 2018, but demands a special session of the Legislature.

During the regular session of the Legislature, we took action on these issues.

Rep. Diane Franklin and I sponsored bills to ensure women's safety and create accountability measures for fetal organs and tissue. This bill was the product of the 2015 Missouri Senate Committee on the Sanctity of Life that revealed safety issues in abor ion clinics and found a startling lack of compliance with laws to ensure fetal tissue accountability and prevent fetal organ trafficking. Rep. Tila Hubrecht and Sen. Wayne Wallingford sponsored bills to protect Missourians from the sanctuary city ordinance.

The Missouri House passed bo h bills, but an obstructive minority of Missouri senators blocked bo h bills.

Dr. Robert F. Onder is a Republican state senator from Lake Saint Louis.